

LABOUR DEPARTMENT

The 18th August, 1967

No. 6751-2Lab-67/22387.—In exercise of the powers conferred under section 14 of the Maternity Benefit Act, 1961 (53 of 1961) and all other powers enabling him in this behalf, the Governor of Haryana is pleased to appoint the following officers/officials to be the Inspector for the purposes of the said Act within the local limits indicated against each :—

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| (1) Labour Commissioner and Chief Inspector of Factories, Haryana | Whole of the State of Haryana |
| (2) Deputy Chief Inspector of Factories | .. Ditto |
| (3) Deputy Labour Commissioner | .. Ditto |
| (4) Labour Officer (Headquarters) | .. Ditto |
| (5) Medical Inspector of Factories | .. Ditto |
| (6) Labour-cum-Conciliation Officer, Karnal | .. Districts of Karnal, Ambala and Jind. |
| (7) Labour-cum-Counciliation Officer, Faridabad | .. Districts of Gurgaon and Mohindergrh |
| (8) Labour-cum-Conciliation Officer, Bhiwani | .. Districts of Hissar and Rohtak |
| (9) Labour Inspector, Yamunanagar | .. Jagadhri Tehsil |
| (10) Labour Inspector, Sonapat | .. Sonapat and Bahadurgarh Tehsils of Rohtak District |
| (11) Labour Inspector, Rohtak | .. Rohtak District (except Tehsils of Sonapat and Bahadurgarh) and tehsil Hissar of Hissar District. |
| (12) Labour Inspector, Bhiwani | .. Hissar District (except tehsil Hissar) |
| (13) Labour Inspector, Faridabad | .. Ballabgarh Tehsil of Gurgaon District |
| (14) Wage Inspector, Gurgaon | .. District of Gurgaon (except Ballabgarh Tehsil) and Mohindergarh District |
| (15) Wage Inspector, Karnal | .. Karnal and Jind Districts. |
| (16) Wage Inspector, Ambala | .. Ambala and Naraingarh Tehsils of Ambala District |
| (17) Inspector of Factories, Ambala Cantt. | .. Ambala District |
| (18) Inspector of Factories, Rohtak | .. Rohtak District and Karnal District |
| (19) Inspector of Factories, Faridabad | .. Gurgaon District |
| (20) Inspector of Factories, Bhiwani | .. Hissar, Jind and Mohindergarh Districts |
| (21) Labour Inspector, Headquarters | .. Whole of the State of Haryana |

The 25th August, 1967

No. 7690-3Lab-67/25518.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, in respect of the dispute between the workmen and management of M/s Technological Institute of Textiles, Bhiwani.

BEFORESHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

Reference No. 90 of 1965

between
THE WORKMEN AND THE MANAGEMENT OF M/S TECHNOLOGICAL INSTITUTE, OF TEXTILES,
BHIWANI

Present :

Shri B. R. Ghaiye for the management.

Shri Sagar Ram Gupta and Shri Makhan Singh, for the workmen.

AWARD

An Industrial dispute having come into existence between the workmen and the management of M/s Technological Institute of Textiles, Bhiwani, the same was referred for adjudication to the Industrial Tribunal Punjab,—vide Punjab Government notification No. 601-SF-III-Lab-1-65/26640, dated 29th September, 1965. The three items of dispute which are mentioned in the said notification are as under :—

- (1) Whether Shri Ram Lal Gupta is entitled to the benefits as being given to the clerical staff in the mills and if so, with what details? If not, to what relief he is entitled to?

- (2) Whether the following workmen are entitled to double wages and two compensatory holidays for working on 26th January, 1965 ? If not, to what relief they are entitled :—
- (1) Shri Jagdish Parshad, son of Nanu Ram.
 - (2) Shri Prabhu Singh, son of Madan Singh.
 - (3) Shri Munshi Ram, son of Hanuman Parshad.
 - (4) Shri Chandoo Ram, son of Dola Ram.
 - (5) Shri Dharam Singh, son of Ram Sarup.
- (3) Whether Shri Jagdish, son of Ramji Lal be made permanent ? If so, with effect from what date and with what details.

On receipt of the reference the Industrial Tribunal, Punjab issued usual notices to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. While the case was still pending in that Tribunal the Punjab Re-organisation Act came into force and under section 93 of the said Act the case stood transferred to this Tribunal. Item Nos. 2 and 3 of the dispute have been amicably settled between the parties and admittedly only item No. 1 of the same survives now for adjudication. Both the parties are agreed with regard to this fact and the workmen do not seek any further relief qua item No. 2 and 3 of the dispute as mentioned in the reference. A part of the evidence of the workmen was recorded by the Industrial Tribunal, Punjab before the case stood transferred to this Tribunal and the rest of the evidence of the workmen as also the entire evidence of the management has been recorded by me. The case was argued before me by the representative of the workmen and written arguments were sent to me by the representative of the management. My findings on the items of the dispute are as follows :—

Item No. 1. This item relates to one Shri Ram Lal Gupta who joined service of the Mill originally in the year, 1948 but who has been in continuous service of the mill since about 1950-51. For a short time he worked as a clerk in the folding department of the mill and then for another short period he worked as a clerk in the store section of the Dyeing Department of the Mill. For the last 16 or 17 years, however, he is working as incharge of the library of the Mills. He has appeared as his own witness and has stated that he works in the library from 10.30 A.M. to 5.30 P.M. on every working day and that these are the hours of working fixed for other clerical staff of the Mills also. He has further stated that his work is supervised by the Labour Officer of the Mill and also by the Factory Manager and General Manager of the Mills. He has also stated that he is getting his salary from the Time Office of the Mills. He has produced six more witnesses who are Sarvshri Sher Singh, Mohan Krishan Sharma, Chiranji Lal, Salig Ram Jagan Nath, and Gobind Ram. All of them have stated that Shri Ram Lal Gupta is incharge of the library and does the entire clerical work connected with the said job. Evidence of the aforesaid witnesses establishes that all the books that are issued are entered by him in a register maintained by him and all the books that are received back are also entered by him in the register meant for this purpose. The stock register of the library is also maintained by him. He has himself also stated that he does the entire clerical work connected with the said job and that he is in fact a clerk working as a librarian. It is admitted by the management in their written statement that Shri Ram Lal Gupta was appointed as an Incharge of the Library-cum-Reading Room in the year 1952 and that his duties have always been to open the Reading Room and keep periodicals and news papers on the table for the workmen to read. It is also admitted by the management that the books are issued by him and that they are received back by him. It is not denied that a register is to be maintained in which entries for the issue and receipts of the books are made. It is also admitted by the management that neither clerical grade nor Provident Fund Scheme of the Mill has been made applicable to his case. It is the common case of both the parties that there are no fixed leave rule for him and that occasionally leave is granted to him but without there being any rules for the same. It is also the common case of both the parties that the other clerks in the Mill have got their grades and scales fixed as per recommendations of the Cotton Textile Industry Wage Board but this unfortunate man has not been given the said grade or scale. He is also not being allowed various other amenities which the other clerks enjoy. He is not even being paid the dearness allowance which all the other employees of the Mills (operatives as well as clerks) are getting. In the written arguments the management have urged that the clerical work which Ram Lal Gupta has put in every day hardly amounts to 1/2 to 1 hour per day and the management have relied upon some rulings to show that the operatives who put negligible amount of clerical work cannot be considered as clerks. None of these rulings is in my opinion applicable to the present case for the simple reason that I am not determining whether Shri Ram Lal Gupta should be treated as an operative or as a clerk. Admittedly he is not an operative and his sole duty is to work as a librarian. In such cases it does not matter whether he is required to do the writing work which can be finished in an hour or which may take 3 or 4 hours. He is available the whole time as a clerk and must, therefore be for all intents and purposes treated as a clerk. It is a pity that the management have not given him his dues for such a long time and he is being deprived of the various amenities which all other clerks in the mill enjoy. I am definitely of the opinion that the management should treat him as a clerk and pay emoluments to him as such at rates provided in the recommendations of the Cotton Textile Industry Wage Board and I direct the management accordingly. This direction shall come into operation retrospectively with effect from 27th September, 1965, i.e. date of the reference. He shall be entitled to the salary, grades and scales, and all other amenities as provided to all other clerks of the Mills with effect from the said date and the difference of wages calculated on this basis will be paid to him within two months from the date of the publication of this award in the official gazette.

Items No. 2 and 3. As said above, the demands covered by these items have been mutually settled by the parties and do not now survive for adjudication. The said demands are accordingly dismissed as withdrawn in so far as the present proceedings go.

No order as to costs.

K. L. GOSAIN,
Presiding Officer
Industrial Tribunal, Haryana,
Chandigarh.

Dated 18th August, 1967.

No. 915, dated Chandigarh, the 18th August, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer
Industrial Tribunal, Haryana,
Chandigarh.